

Serial Number 10/673,650

DEC 14 2006

REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1-3 and 5-10 are pending in the present application, all of which stand currently rejected.

Claim Rejections:

The Examiner maintained the rejections of the claims over the Keith patent (5,217,482).

However, Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the claims. For example, Claim 1 includes the following limitations, among others:

a hypotube having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, *and a distal portion with an arcuate non-tubular cross-section;*

an inner tubular body having a proximal and distal end, and defining a proximal and distal guidewire port at each end respectively, and a guidewire lumen extending between the guidewire ports;

an outer tubular body having a proximal and distal end, and surrounding at least a portion of the inner tubular body;

the proximal ends of the inner and outer tubular bodies being affixed together and sealed to the hypotube at a point defined at or near a transition between the intermediate and distal portions of the hypotube;

* * *

an inflation lumen extending from a proximal end of the hypotube, through the hypotube proximal and intermediate tubular portions, and through an annular space between the outer and inner tubular bodies, into an interior of the balloon;

the distal portion of the hypotube extending a distance into the outer tubular body;

providing a transition in flexibility between the tubular portions of the hypotube to the inner and outer bodies;

Serial Number 10/673,650

the balloon catheter thus having a rapid-exchange configuration.

With particular reference to the Keith reference, item 74B is both tubular and indented, as is indicated in Figure 3 of the Keith reference. Accordingly, it fails to teach or suggest the hypotube component of the present invention, "having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, and a distal portion with an arcuate non-tubular cross-section" which extends "a distance into the outer tubular body; providing a transition in flexibility between the tubular portions of the hypotube to the inner and outer bodies".

The Examiner stated as follows:

Keith (U.S. Patent No. 5,217,482) as the distal portion of the hypotube has an arcuate cross-section and extends a distance into the outer tubular body as seen in Figures 5 and 6. Applicant's arguments are not deemed persuasive because the claimed structure of the distal portion merely requires an arcuate cross-section and at least a part of the distal portion has an arcuate cross-section (117 as shown in Figure 6).

For clarity, the term "arcuate" describes cross-sections such as shown in Figures 13, 14, and 20, which are not tubular and do not define a lumen. The combination of features of the present invention, including the hypotube having a proximal tubular portion, an intermediate tubular portion having a longitudinal indentation, and a distal portion having an arcuate cross-section, provide the desired smooth transition flexibility.

For further clarity, Applicants have amended the claims such that the distal portion with an arcuate cross-section is not tubular.

Serial Number 10/673,650

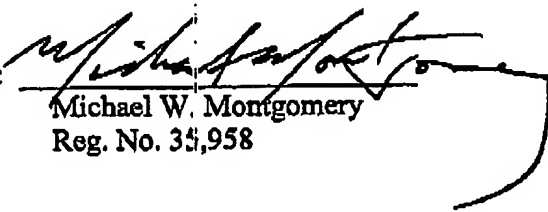
Accordingly, Applicants respectfully request the Examiner to allow the present invention.

Respectfully submitted,
Attorney for Applicants

Date: December 14, 2006

Johnson & Johnson
Law Department
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(786) 313-2922

By:


Michael W. Montgomery
Reg. No. 35,958